

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office Action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Office noted that claims 1-26 are pending, and that claims 1-14 and 18-26 are rejected. The Office objected to claims 15-17. In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in condition for allowance.

I. OBJECTIONS

The Office objected to claims 15-17 as being dependent upon a rejected base claim, namely independent claim 12, but would be allowable if rewritten in independent form and including all of the elements of the independent claim 12 and any intervening claims. The Applicants thank the Office for indicating allowable subject matter, but nonetheless submit, for the reasons set forth below, independent claim 12 is allowable over the prior art of record. Thus, the Applicants submit that the dependent claims 15-17 are allowable, and in turn, request that the objection to such claims be withdrawn.

II. REJECTIONS

A. Response to §103(a) Rejection of Claims 1-9 and 11

The Office rejected claims 1-9 and 11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 20040203569 A1 filed by Jijina et al. ("*Jijina*") in view of U.S. Publication No. 20030045304 A1 filed by Shamoto et al. ("*Shamoto*"). The Applicants respectfully traverse this rejection.

The Office stated that the combination of *Jijina* and *Shamoto* teach all the elements of independent claim 1. The Applicants disagree.

To this end, the Applicants respectfully submit that the Office, to its detriment, impermissibly ignored claim terms, and as such, cited to art that does not teach or

suggest all of the claimed elements of the independent claim 1. As set forth in the Office Action, the Office stated *Jijina* teaches:

- "(i) receiving a request for a position to be computed (paragraph 39);
- (ii) calculating a plurality of positions (paragraph 39, the received position data is stored in a buffer 408);
- (iii) caching at least one of said plurality of positions in a position cache (paragraph 39, the received position data is stored in a buffer 408)
- (iv) deriving accuracy data with respect to at least one of said plurality of positions (paragraph 39, GPS receiver 404 provides the current position and GPS quality parameter of the telematics unit 402); and
- (iv) identifying a best position stored in said position cache in response to said accuracy data (paragraph 40, monitor 420 selects the position with highest quality parameters and transmitted to the service management system 116)" (emphasis added). *The Office Action*, at p. 3.

The Applicants note, however, that the statements (i) and (ii) above are not elements of independent claim 1. The actual claimed elements recite "receiving a request for a position to be computed within a predefined period of time; and calculating a plurality of positions within said predefined period of time." See the present application, at independent claim 1. Accordingly, the Applicants submit that, by operation of antecedent basis, each subsequent use of the terms "said plurality of positions" in the independent claim 1 are not just any positions, but rather, are positions calculated within the predefined period of time.

The Office, however, admitted that *Jijina* does not teach the actual claimed elements "receiving a request for a position to be computed within a predefined period of time; and calculating a plurality of positions within said predefined period of time." See the Office Action, at p. 3. The Applicants note that, despite this admission, the Office cited to *Jijina* for the proposition that it supports the claimed elements "caching at least one of said plurality of positions in a position cache, and deriving accuracy data with respect to at least one of said plurality of positions," wherein said plurality of positions are positions are calculated within the predefined period of time.

The Applicants submit that, contrary to the Office's assertion, *Jijina* does not teach or suggest the claimed elements caching at least one of said plurality of positions in a position cache, and deriving accuracy data with respect to at least one

of said plurality of positions." With respect to these claimed elements, the citations of *Jijina* proffered by the Office state:

["0039] The telematics unit 402 is equipped with a GPS receiver 404 that provides the current position and GPS quality parameters of the telematics unit 402 ... The positional and GPS quality data received from the GPS receiver 404 associated with the telematics unit 402 is stored in the telematics unit GPS buffer 408." *Id.*, at Para [0039].

As can be readily discerned, the Applicants submit that the above-cited section (and the rest) is totally devoid of any teaching or suggestion of the combination of claimed elements *caching at least one of said plurality of positions in a position cache, and deriving accuracy data with respect to at least one of said plurality of positions.* The Applicants note that the Office only cited *Jijina* with respect to this claimed combination of elements, and did not rely on *Shamoto* to (and further submit that *Shamoto* does not) teach such claimed combination of elements. Accordingly, the Applicants submit that the combination of *Jijina* and *Shamoto* does not teach or suggest all the elements of the independent claim 1. As such, the Applicants submit that the independent claim 1 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*.

Given that each of the dependent claims 2-11 depend, directly or indirectly, from the independent claim 1, each necessarily includes all the elements of the independent claim 1. Since the combination of *Jijina* and *Shamoto* does not teach all of the elements of the independent claim 1, the Applicants therefore submit that each of the dependent claims 2-11 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*.

Notwithstanding the foregoing, the Applicants further submit that, contrary to the Office's assertion, the combination of *Jijina* and *Shamoto* does not teach the combination of claimed elements "*calculating a plurality of positions within said predefined period of time*" as claimed. That is, *calculating a plurality of positions within a predefined period of time for calculating a position.*

As set forth in the Office Action, the Office admitted that *Jijina* does not teach such claimed elements. See the Office Action, at p. 3. Instead, the Office relied on *Shamoto* for the proposition that it teaches such claimed combination of elements. In support of this contention, the Office cites to *Shamoto* at Para [0029-0030] and Figure 3.

Shamoto generally teaches "a wireless terminal [] designed to prevent the user from having to wait a long time in case fetching of search data takes a long time." *Shamoto*, at abstract. "The wireless terminal, if it determines the need of long time for the search of GPS satellites by a GPS transceiver, inhibits the GPS transceiver from searching GPS satellites and operates on a CDMA transceiver to search for CDMA base stations." *Id.*

As can be readily discerned from the cited sections (and the rest) of *Shamoto*, the Applicants submit that *Shamoto* teaches its mobile phone 1, after being instructed to commence the positioning operation, receives from its position server 6 a window size that indicates a **search time** needed for the mobile phone 1 **to search for GPS satellites 3**. See *Id.*, at Para [0024, 0027 and 0032]. In addition, *Shamoto* states "[t]he CPU 2 of the mobile phone 1, upon detecting that the time length of window size does not exceed the threshold time length TH, then the CPU 2 operates on [(i)] the GPS transceiver 4 **to commence the search for GPS satellites 3**, and [(ii)] on the timer 16 **to commence the counting of a prescribed time length**" (emphasis added). *Id.*, at Para [0028]

"If the CPU 2 finds the appropriateness of GPS satellite search result before the time expiration on the timer 16 it operates on the GPS transceiver 4 to terminate the search of GPS satellites 3 [] and operates on the timer 16 to terminate the time counting" (emphasis added). *Id.*, at Para [0030]. In the step after terminating the search of the GPS satellites and the time counting, *Shamoto* indicates "[t]he CPU 2 operates on the CDMA transceiver 9 to send the GPS satellite data fetched from the GPS satellites 3 to the position data server 6 and request the server to release a positioning result" (emphasis added). *Id.*, at Para [0031].

In light of the above quotes (and the rest of *Shamoto*), the Applicants submit that *Shamoto*, during the period corresponding to its prescribed time length for searching for GPS satellites, only searches for and collects data from GPS satellites, and does not *calculate a plurality of positions within a predefined period of time for computing a position*. Rather, the Applicants submit that *Shamoto* teaches that a position is calculated only after the termination of the prescribed time length. Clearly, this is not the same as the combination of claimed elements "*calculating a plurality of positions within said predefined period of time*" as claimed. Accordingly, the Applicants submit that the combination of *Jijina* and *Shamoto* does not teach or suggest all the elements of the independent claim 1, and therefore, submit that the

independent claim 1 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*.

Given that each of the dependent claims 2-11 depend, directly or indirectly, from the independent claim 1, each necessarily includes all the elements of the independent claim 1. Since the combination of *Jijina* and *Shamoto* does not teach all of the elements of the independent claim 1, the Applicants therefore submit that each of the dependent claims 2-11 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*.

B. Response to §103(a) Rejection of Claims 12-14, 18-20 and 22

The Office rejected claims 12-14, 18-20 and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Jijina* in view of *Shamoto* and further in view of U.S. Publications No. 20030050077 A1 filed by Takeuchi et al. ("*Takeuchi*"). The Applicants respectfully traverse this rejection.

The Office stated that *Jijina* in combination with *Shamoto* and *Takeuchi* teaches all of the elements of the claims 12-14, 18-20 and 22. Specifically, the Office stated *Jijina* teaches the combination of elements of independent claim 12 (i) "receiving a request for a position to be computed (paragraph 41);" (ii) "computing a best position and a corresponding indicia of accuracy (paragraph 40);" and (iii) "retaining said best position in a cache (paragraph 39, the received GPS data is stored in a buffer 408, best GPS data is included in the stored GPS data)." *The Office Action*, at page 6.

The Applicants note, however, that the statements (i) and (ii) above are not elements of independent claim 12. The actual claimed elements recite "*receiving a request for a position to be computed within a predefined period of time; and computing a best position and a corresponding indicia of accuracy within said predefined period of time.*" See the present application, at independent claim 12. Accordingly, the Applicants submit that, by operation of antecedent basis, each subsequent use of the terms "said best position" and "said indicia of accuracy" in the independent claim 12 are not just any best position and indicia of accuracy, but rather, are the best position and indicia of accuracy computed within the predefined period of time.

The Office, however, admitted that *Jijina* does not teach the actual claimed elements "*receiving a request for a position to be computed within a predefined*

period of time; and computing a best position and a corresponding indicia of accuracy within said predefined period of time." See the Office Action, at p. 3. The Applicants note that, despite this admission, the Office cited to *Jijina* for the proposition that it supports the claimed elements "comparing said indicia of accuracy to a threshold; and retaining said best position in a cache in response to said indicia of accuracy satisfying said threshold," wherein said best position and said best position are computed within the predefined period of time.

The Applicants submit that, contrary to the Office's assertion, *Jijina* does not teach or suggest the claimed elements receiving a request for a position to be computed within a predefined period of time; and computing a best position and a corresponding indicia of accuracy within said predefined period of time." With respect to these claimed elements, the citations of *Jijina* proffered by the Office state:

["0039] The telematics unit 402 is equipped with a GPS receiver 404 that provides the current position and GPS quality parameters of the telematics unit 402 ... The positional and GPS quality data received from the GPS receiver 404 associated with the telematics unit 402 is stored in the telematics unit GPS buffer 408 ...

A monitor 420 associated with the telematics unit 404 compares the GPS position and quality data from the telematics unit GPS buffer 408 and the mobile unit GPS buffer 410 and selects the position with the highest quality parameters." *Id.*, at Para [0039-0040].

In view of this, the Applicants submit that the above-cited section (and the rest) is totally devoid of any teaching or suggestion of the combination of claimed elements receiving a request for a position to be computed within a predefined period of time; and computing a best position and a corresponding indicia of accuracy within said predefined period of time. The Applicants note that the Office only cited *Jijina* with respect to this claimed combination of elements, and did not rely on *Shamoto* and *Takeuchi* to (and further submit that *Shamoto* and *Takeuchi* do not) teach such claimed combination of elements. Accordingly, the Applicants submit that the combination of *Jijina* and *Shamoto* does not teach or suggest all the elements of the independent claim 12.

Notwithstanding the foregoing, the Applicants further submit that, contrary to the Office's assertion, the combination of *Jijina*, *Shamoto* and *Takeuchi* does not teach the combination of claimed elements "computing a best position and a

corresponding indicia of accuracy within said predefined period of time," as claimed. That is, computing a best position and a corresponding indicia of accuracy within a predefined period of time for calculating a position.

As set forth in the Office Action, the Office admitted that *Jijina* does not teach such claimed elements. See the Office Action, at p. 3. The Office also did not rely on *Takeuchi* to teach such claimed elements. Instead, the Office relied on *Shamoto* for the proposition that it teaches the claimed combination of elements. In support of this contention, the Office cites to *Shamoto* at Para [0029-0030] and Figure 3.

The Applicants submit, in view of the discussion above, that *Shamoto* does not teach or suggest teach such combination of elements "*computing a best position and a corresponding indicia of accuracy within said predefined period of time.*" Accordingly, the Applicants submit that the combination of *Jijina*, *Shamoto* and *Takeuchi* does not teach or suggest all the elements of the independent claim 12.

In light of the foregoing, the Applicants submit that the independent claim 12 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto* and *Takeuchi*. Given that each of the dependent claims 13-14, 18-20 and 22 depend, directly or indirectly, from the independent claim 12, each necessarily includes all the elements of the independent claim 12. Since the combination of *Jijina*, *Shamoto* and *Takeuchi* does not teach all of the elements of the independent claim 12, the Applicants therefore submit that each of the dependent claims 13-14, 18-20 and 22 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto* and *Takeuchi*.

C. Response to §103(a) Rejection of Claim 21

The Office rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Jijina* in view of *Shamoto* and *Takeuchi* as applied to claim 12 and further in view of U.S. Patent No. 6,433,735 B1 granted to Bloebaum et al. ("*Bloebaum*"). The Applicants respectfully traverse this rejection.

The Applicants incorporate herein the discussion from under the heading "Response to §103(a) Rejection of Claims 12-14, 18-20 and 22" with respect to the rejection of claim 12. In addition, the Applicants note that the Office did not rely on *Bloebaum* to teach any of the claimed combination elements of the independent claim 12.

In light of the foregoing discussion, the Applicants submit that the independent claim 12 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*,

Takeuchi and Bloebaum. Given that the dependent claim 21 depends directly from the independent claim 12, it necessarily includes all the elements of the independent claim 12. Since the combination of *Jijina, Shamoto, Takeuchi and Bloebaum* does not teach all of the elements of the independent claim 12, the Applicants therefore submit that each of the dependent claim 21 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto, Takeuchi and Bloebaum*.

D. Response to §103(a) Rejection of Claims 23-25

The Office rejected claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over *Jijina* in view of *Shamoto* and further in view of U.S. Publications No. 20050200492 A1 filed by Woodard et al. ("*Woodard*"). The Applicants respectfully traverse this rejection.

The Office stated that the combination of *Jijina, Shamoto* and *Woodard* teach all the elements of independent claim 23. The Applicants disagree. To this end, the Applicants respectfully submit that the Office, to its detriment, impermissibly ignored claim terms, and as such, cited to art that does not teach or suggest all of the claimed elements of the independent claim 23. As set forth in the Office Action, the Office stated *Jijina* teaches:

- "(i) a GPS receiver for processing satellite signals (paragraph 39 and Fig. 4)
- (ii) a processor for calculating, from the processed satellite signals, a plurality of positions and for calculating accuracy data associated with said plurality of positions (paragraph 39, GPS receiver 404 includes a processor that provides the current position and GPS quality parameter); and
- (iii) a position cache, coupled to the processor, for storing at least one of said plurality of positions (paragraph 39, and Fig. 4)" (emphasis added). *The Office Action*, at p. 9.

The Applicants note, however, that the statements (i) and (ii) above are not elements of independent claim 1. The actual claimed elements recite "*an A-GPS receiver for processing satellite signals; and a processor for calculating, from the processed satellite signals, a plurality of positions within a predetermined time, and for calculating accuracy data associated with said plurality of positions*" See the present application, at independent claim 23. Accordingly, the Applicants submit that, by operation of antecedent basis, each subsequent use of the terms "*said*

plurality of positions" in the independent claim 1 are not just any positions, but rather, are positions calculated within the predefined period of time.

The Office, however, admitted that *Jijina* does not teach the actual claimed elements "a processor for calculating, from the processed satellite signals, a plurality of positions within a predetermined time, and for calculating accuracy data associated with said plurality of positions." See the Office Action, at p. 9. The Applicants note that, despite this admission, the Office cited to *Jijina* for the proposition that it supports the claimed elements " a position cache, coupled to the processor, for storing at least one of said plurality of positions." wherein said plurality of positions are positions are calculated within the predefined period of time.

The Applicants submit that, contrary to the Office's assertion, *Jijina* does not teach or suggest the claimed elements a position cache, coupled to the processor, for storing at least one of said plurality of positions." With respect to these claimed elements, the citations of *Jijina* proffered by the Office state:

["0039] The telematics unit 402 is equipped with a GPS receiver 404 that provides **the current position** and GPS quality parameters of the telematics unit 402 ... The positional and GPS quality data received from the GPS receiver 404 associated with the telematics unit 402 is stored in the telematics unit GPS buffer 408." *Id.*, at Para [0039].

The Applicants submit that the above-cited section (and the rest) is totally devoid of any teaching or suggestion of the combination of claimed elements a position cache, coupled to the processor, for storing at least one of said plurality of positions. The Applicants note that the Office only cited *Jijina* with respect to this claimed combination of elements, and did not rely on *Shamoto* or *Woodard* to (and further submit that *Shamoto* and/or *Woodard* do not) teach such claimed combination of elements. Accordingly, the Applicants submit that the combination of *Jijina*, *Shamoto* and *Woodard* does not teach or suggest all the elements of the independent claim 23. As such, the Applicants submit that the independent claim 23 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*.

Given that each of the dependent claims 24-25 depend, directly or indirectly, from the independent claim 23, each necessarily includes all the elements of the independent claim 23. Since the combination of *Jijina*, *Shamoto* and *Woodard* does not teach all of the elements of the independent claim 23, the Applicants therefore

submit that each of the dependent claims 24-25 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto* and *Woodard*.

Notwithstanding the foregoing, the Applicants further submit that, contrary to the Office's assertion, the combination of *Jijina*, *Shamoto* and *Woodard* does not teach the combination of claimed elements "*a processor for calculating, from the processed satellite signals, a plurality of positions within a predetermined time.*"

As set forth in the Office Action, the Office admitted that *Jijina* does not teach such claimed elements. *See the Office Action*, at p. 9. The Office also did not rely on *Woodard* to teach such claimed elements. Instead, the Office relied on *Shamoto* for the proposition that it teaches the claimed combination of elements. In support of this contention, the Office cites to *Shamoto* at Para [0036] and Figure 3.

The Applicants submit, in view of the discussion above, that *Shamoto* does not teach or suggest teach such combination of elements "*a processor for calculating, from the processed satellite signals, a plurality of positions within a predetermined time.*" Accordingly, the Applicants submit that the combination of *Jijina*, *Shamoto* and *Woodard* does not teach or suggest all the elements of the independent claim 23.

In light of the foregoing, the Applicants submit that the independent claim 23 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto* and *Takeuchi*. Given that each of the dependent claims 24-25 depend, directly or indirectly, from the independent claim 23, each necessarily includes all the elements of the independent claim 23. Since the combination of *Jijina*, *Shamoto* and *Woodard* does not teach all of the elements of the independent claim 23, the Applicants therefore submit that each of the dependent claims 24-25 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto* and *Woodard*.

E. Response to §103(a) Rejection of Claim 26

The Office rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Jijina* in view of *Shamoto* and *Woodard* as applied to claim 23 and further in view of *Bloebaum et al.* The Applicants respectfully traverse this rejection.

The Applicants incorporate herein the discussion from under the heading "Response to §103(a) Rejection of Claims 23-25" with respect to the rejection of claim 23. In addition, the Applicants note that the Office did not rely on *Bloebaum* to teach any of the claimed elements of the independent claim 23. Accordingly, the

Applicants submit that the independent claim 23 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*, *Woodard* and *Bloebaum*.

Given that the dependent claim 26 depends directly from the independent claim 23, it necessarily includes all the elements of the independent claim 23. Since the combination of *Jijina*, *Shamoto*, *Woodard* and *Bloebaum* does not teach all of the elements of the independent claim 23, the Applicants therefore submit that each of the dependent claim 26 is not obvious under 35 U.S.C. §103(a) over *Jijina* in view of *Shamoto*, *Woodard* and *Bloebaum*.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 732.978.4899 or the office of the undersigned attorney at 732.978.7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,
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